

REMARKS

Claims 45-48 are pending in the application and have been rejected. Claims 47-48 have been canceled as being non-elected claims. Claim 45 has been amended to overcome the 35 U.S.C. § 112 objections noted by the Examiner and to more fully describe the filter element. Support for the amendment can be found on page 5, paragraph [0025].

RESPONSE TO THE REJECTION UNDER 35 U.S.C. 102

Claims 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Mohr (U.S. 1,211,334). Anticipation requires that a single reference teach, expressly or inherently, every claim limitation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP § 2131.

Claim 45 recites that the lighter fluid is collected in a perforated cylindrical core after passing through the filter element. Mohr does not disclose the lighter fluid being collected in a perforated cylindrical core after passing through the filter element. Since Mohr does not disclose the lighter fluid being collected in a perforated cylindrical core after passing through the filter element, it does not anticipate claims 45-46.

RESPONSE TO REJECTION UNDER 35 U.S.C. 103

Claims 45-46 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Rowling (U.S. 605,829) and Mohr (U.S. 1,211,334). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143.

Claim 45 recites that the lighter fluid is collected in a perforated cylindrical core after passing through the filter element. Rowling does not disclose the lighter fluid being collected in a perforated cylindrical core after passing through the filter element. Since Mohr does not disclose the claimed invention and neither does Rowling, the combination of the two patents does not disclose the claimed invention. Since the combination of references must teach or suggest all the claim limitations and Mohr and Rowling does not disclose the lighter fluid is collected in a perforated cylindrical core after passing through the filter element, the prior art does not establish a prima facie case of obviousness. Therefore, claims 45-46 are patentable over prior art.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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